

EXHIBIT 11

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

The Authors Guild, et al.

Plaintiffs,

V.

Google Inc.,

Defendant.

Master File No. NO. 05 CV 8136-DC

**PLAINTIFFS' RESPONSES AND OBJECTIONS TO
DEFENDANT GOOGLE INC.'S FIRST SET OF INTERROGATORIES TO
PLAINTIFFS THE AUTHORS GUILD, INC., JIM BOUTON, JOSEPH GOULDEN AND
BETTY MILES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiffs hereby respond and object to Defendant Google Inc.'s First Set of Interrogatories to Plaintiffs The Authors Guild, Inc., Jim Bouton, Joseph Goulden and Betty Miles.

General Objections

1. Plaintiffs generally object to the Interrogatories and their instructions to the extent that they seek information not discoverable under, or impose procedures not required by, the Federal Rules of Civil Procedure or the Local Rules of the Southern District of New York.

2. Plaintiffs generally object to the Interrogatories to the extent that they seek the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine and/or any other applicable privilege or protection. Responses hereunder shall not include information protected by such privileges or doctrines.

3. Plaintiffs generally object to the Interrogatories to the extent they seek information that may be ascertained by Google Inc. with substantially the same burden as plaintiffs.

4. Plaintiffs object to the Interrogatories on the ground that the term “YOUR BOOKS,” used throughout the Interrogatories, is not defined.

5. Plaintiffs reserve the right to supplement and/or amend the specific responses set forth below, and to rely on additional facts and law.

RESPONSES

INTERROGATORY 1:

Identify all factual and legal bases supporting Your contention that Google’s Library Project is not fair use.

Response:

In addition to the General Objections, plaintiffs object to this Interrogatory on the grounds that the word “all” is overbroad and unduly burdensome in this context. Without waiving these objections, plaintiffs respond as follows:

A. Google’s Library Project involves the following infringements of copyright:

- (1) Google digitally copies, and converts into separate, machine readable digital text copies, in-copyright books in their entirety for its own uses without the permission of the copyright owners in violation of 17 U.S.C. § 106(1);
- (2) Google distributes digital copies of in-copyright books in their entirety to libraries without the permission of the copyright owners in violation of 17 U.S.C. § 106(3);
- (3) Google publicly displays verbatim expression from in-copyright books on the Internet in response to requests by users of its website without the permission of the copyright owners in violation of 17 U.S.C. § 106(5).

B. The above infringements are not protected by the fair use doctrine of 17 U.S.C.

§ 107:

INTERROGATORY 6:

Describe the value of each of YOUR BOOKS.

Response:

Without waving the General Objections, plaintiffs respond that books have value as works of creative authorship that are protected by copyright. Authors can derive a financial benefit from this value by selling or licensing their books, including to publishers, consumers, businesses, libraries, collective licensees, search engines, databases and other persons and entities seeking to purchase, copy, display or otherwise use books databases, books or excerpts of books.

INTERROGATORY 7:

Identify each effect that Google's conduct has had on the value of each of YOUR BOOKS or the Books of any member of the putative class, including a description of each such effect and a statement of all facts supporting Your contention that Google's conduct has had each such effect.

Response:

In addition to the General Objections, plaintiffs object to this Interrogatory on the grounds that the words "each" and "all" are overbroad and unduly burdensome in this context. Without waiving these objections, plaintiffs respond as follows: See the response to Interrogatory 1.

INTERROGATORY 8:

Describe the purpose of each of YOUR BOOKS.

Response:

In addition to the General Objections, plaintiffs object to this Interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs further object that the word "purpose" is unclear in

this context. Without waiving these objections, plaintiffs respond that the purpose of books in general is to entertain, educate, teach and/or express thoughts, feelings and ideas.

INTERROGATORY 9:

Describe the nature of each of YOUR BOOKS.

Response:

Without waiving the General Objections, plaintiffs respond that, in the context of 17 U.S.C. § 107(2), the nature of the books copied, distributed and displayed by Google is fiction and nonfiction books, and in-print and out-of-print books.

INTERROGATORY 10:

For each of YOUR BOOKS, state whether such book is published or unpublished.

Response:

The books at issue are published.

INTERROGATORY 11:

Describe the purpose and character of Google's Library Project, including a statement of all factual and legal bases supporting your response.

Response:

In addition to the General Objections, plaintiffs object to this Interrogatory on the grounds that the word "all" is overbroad and unduly burdensome in this context. Without waiving these objections, plaintiffs respond as follows:

The purpose and character of Google's Library Project is commercial. Google seeks to copy all offline print books (as well as other offline content such as journals and government works), whether in-copyright or in the public domain, and make them available for search on the Internet in order to benefit its commercial search engine and gain a competitive advantage over its rivals in the search engine market by having more content to search, thereby increasing its

usership, with the ultimate goal of increasing its advertising revenues from its increased usership.

See also the response to Interrogatory 1 above.

INTERROGATORY 12:

Describe the amount and substantiality of YOUR BOOKS used in Google's Library Project, including a statement of all factual and legal bases supporting your response.

Response:

In addition to the General Objections, plaintiffs object to this Interrogatory on the grounds that the word "all" is overbroad and unduly burdensome in this context. Without waiving these objections, plaintiffs respond as follows: See the response to Interrogatory 1 above.

INTERROGATORY 13:

If you contend that Google's Library Project is commercial in nature, identify all factual and legal bases for that contention.

Response:

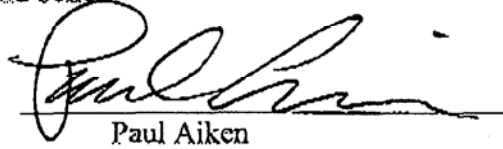
In addition to the General Objections, plaintiffs object to this Interrogatory on the grounds that the word "all" is overbroad and unduly burdensome in this context. Without waiving these objections, plaintiffs respond as follows:

Google's Library Project, and the copying, distribution and display of books by Google in connection with its Library Project, are commercial in nature. See also the responses to Interrogatories 1 and 11 above.

VERIFICATION

I am the Executive Director of plaintiff The Authors Guild, Inc. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the responses of plaintiff The Authors Guild, Inc. in Plaintiffs' Responses and Objections to Defendant Google Inc.'s First Set of Interrogatories to Plaintiffs The Authors Guild Inc., Jim Bouton, Joseph Goulden and Betty Miles are true and correct to the best of my knowledge, information and belief

Dated: April 27, 2012


Paul Aiken